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Name of Registered Representative:

John C. Freeman, Registration No. 34,483

March 6, 2002
Date of Signature

PATENT
CASE NO. 56/346

5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:

10 Christian Eisenberger et al.

International Application
No. PCT/EP99/04972

15 International Filing
Date: July 14, 1999

Serial No.: 09/744,871

20 Filed: January 29, 2001

§ 371 Filing Date: July 11, 2001

For: OPTOELECTRONIC TRANSCEIVER)

25

PETITION UNDER 37 CFR § 1.78(a)(3)

Repln. Ref: 05/14/2002 AKELLEY 0011340100
DAH:231925 Name/Number: 09744871
FC: 704 \$1280.00 CR

FOR ACCEPTANCE OF AN UNINTENTIONALLY DELAYED CLAIM
UNDER 35 U.S.C. §§ 120 AND 365(c)

30 Assistant Commissioner for Patents
BOX DAC

Washington, D.C. 20231

Adjustment date: 05/14/2002 AKELLEY
03/18/2002 GTEFFERA 00000045 09744871
01 FC:091 Dear Sir: -1280.00 OP

35 Your Petitioners filed the above-mentioned application on January 29, 2001. At the time of

filing, your Petitioners inadvertently failed to make proper reference to international application

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PCT/EP99/04972 pursuant to 37 C.F.R. § 1.78(a)(2) in order to claim priority to the international application under 35 U.S.C. §§ 120 and 365(c). Since it is more than four months from the actual filing date of the application and more than sixteen months from the filing date of the international application, your Petitioners petition for the acceptance of an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of the prior filed international application.

Pursuant to 37 C.F.R. § 1.78(a)(3), your Petitioners are including with this Petition:

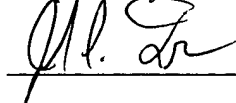
1) a check for \$1,280.00 to cover the surcharge set forth in 37 C.F.R. § 1.17(t);

and

2) a statement by the undersigned that the entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2) and the date of this Petition was unintentional.

Should this Petition be granted, Petitioners respectfully petition the Commissioner to have the Supplemental Preliminary Amendment being concurrently filed with the present Petition entered under 37 C.F.R. § 1.78(a)(3).

Respectfully submitted,



John C. Freeman
Registration No. 34,483
Attorney for Petitioners

BRINKS HOFER
GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
(312) 321-4200
Dated: March 6, 2002

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STATEMENT UNDER 37 C.F.R. § 1.78(a)(3)(ii)

5 I, John C. Freeman, state that the entire delay between the date the claim for the benefit of the
filing date of international application PCT/EP99/04972 was due under 37 C.F.R. § 1.78(a)(2) and the
date of the filing of the claim was unintentional, wherein such filing of the claim is being made
concurrently with the filing of the present Statement.

10 

Date: March 6, 2002

John C. Freeman
Registration No. 34,483
Attorney for Petitioners

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